07/440 11/2

#3

IN UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dean Engelhardt et al.
Serial No.: 07/954,772
Filed: September 30, 1992
Title: HYBRIDIZATION ASSAY METHOD (As Amended)

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NOV 13 1992
LICENSING & REVIEW

Group Art Unit: 1807
Examiner: Not Yet Known

11/13/92

Parent Serial No. 07/548,348
Filed on July 2, 1990

November 9, 1992
New York, New York

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Attention: LICENSING AND REVIEW

COMMUNICATION DIRECTED TO OCTOBER 19, 1992 ATOMIC ENERGY NOTICE

Dear Sirs:

This Communication is directed to the Atomic Energy Notice that was issued on October 19, 1992 (copy attached) in connection with the above-identified application. A response to the October 19, 1992 Notice is due December 3, 1992.

Applicants' undersigned attorney wishes to bring to the attention of Licensing and Review that an Atomic Energy Notice was also issued on July 19, 1990 in connection with the parent application, U.S. Application Serial No. 07/548,348, filed on July 2, 1990.

Enz-5 (D8) (C)

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents & Trademarks Washington, D.C. 20231

Ronald C. Fedus
Reg. No. 32,567

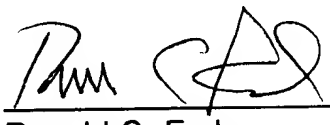
Nov 9, 1992
Date

On August 21, 1990, Applicants responded to the July 2, 1990 Notice with appropriate declarations signed and dated by all of the named inventors. A copy Applicants' August 21, 1990 response, including a copy of the July 2, 1990 Notice is attached to this Communication as Exhibit A.

It is the understanding of the undersigned, based upon a recent telephone conversation with Licensing and Review, that the submission of a copy of the previous response filed in the parent application (Serial No. 07/548,348) is a sufficient response to the Atomic Energy Notice, and that Applicants need not take any further action therewith.

No fee is due in connection with this Communication. If any fee or fees are due, however, The U.S. Patent and Trademark Office is hereby authorized to charge the amount of any such fee(s) to Deposit Account No. 05-1135, and to credit any overpayment thereto.

Respectfully submitted,



November 9, 1992
Date

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
07/954,772	9/30/92	DEAN, ENGELHARD, ET AL.	ENZ-5

RECEIVED
OCT 22 1992

RONALD C. FEDUS

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EXAMINER	
ART UNIT	PAPER NUMBER
	2

FILED NO. ENZ 5
DOCKETED FOR 12-3-92 BY
c/o ENZO BIOCHEM, INC.
60 EXECUTIVE BOULEVARD, FARMINGDALE, NY 11735

DATE MAILED: 10/19/92

IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A FORMAL REQUIREMENT WILL BE ISSUED

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 308-3312.

PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE ATTENTION OF LICENSING AND REVIEW